

THE DAILY BEE.

E. ROSEWATER, Editor.

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Sworn to before me and subscribed to in my presence this 25th day of March, A. D. 1890.

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RAILWAY COMMISSION RIGHTS.

Two decisions were handed down by the supreme court of the United States last Monday which are of unusual importance because the first that have come from that tribunal relating to the authority and powers of a state railway commission to preemptively fix rates.

The cases upon which these decisions, practically alike, were rendered, were from Minnesota, and were designated as the "switching" and "milk rate" cases. In the former the Eastern Minnesota railroad refused to comply with the order of the railway commission to reduce its charge for switching cars in Minneapolis, and in the latter the Chicago, Milwaukee & St. Paul road refused to adopt a tariff on milk between certain points as prescribed by the commission.

The opinion of the supreme court, on application of the commission, granted writs of mandamus to compel the roads to comply with the orders of the commission, whereupon the railroads carried the cases to the supreme court on writs of error, holding that it was not competent for the legislature to delegate to the commission a power of fixing rates, and that the establishment of such rates by the state against the will of the company was in effect a taking of its property in violation of the constitution of the United States.

The opinion of the supreme court does not deny the right of the legislature to regulate in some form transportation charges, but the question to be determined was whether the form adopted in the case under review was valid. The supreme court of Minnesota having authoritatively declared that the intention of the legislature was to make rates recommended and published by the commission final and conclusive as to what are equal and reasonable charges, that the law does not contemplate nor allow any issue to be made or inquiry to be had as to whether the rates ordered by the commission are reasonable in fact, and that the rates published by the commission are the only ones that are lawful, and therefore in contemplation of law the only ones that are equal and reasonable, and that under the state construction of the statute there is no power in the courts to restrain the commission if it chooses to establish rates that are unequal and unreasonable, the opinion holds that the law conflicts with the constitution of the United States in depriving the railway company of its right to a judicial investigation by due process of law.

The opinion holds that the railway commission cannot be regarded as clothed with judicial functions in possessing the machinery of a court of justice, and that the question of the reasonableness of the rate of charge for transportation, involving as it does the element of reasonableness both as regards the company and as regards the public, is essentially a question for judicial investigation, requiring due process of law for its determination. Justices Bradley, Gray and Lamar dissent from the opinion of the court, holding that the adjustment of rates was a legislative prerogative and not a judicial one, and Justice Miller, in stating the general principles to govern in cases similar to these, said that where the rates are fixed either by legislature or by a commission, the aggrieved parties have a right to appeal to the courts, and until the judiciary has decided the question the rates so fixed must be taken as the law of the land. He did not agree with the court that it was necessary that common carriers should be given notice before rates in which they were interested were fixed so, but when the question of the justice of these rates was taken before the courts it was necessary that the railroads should have a right to be heard. It is quite probable that the effect of this opinion will be to lead the states which have railway commissions to do away with them, leaving with the legislatures the duty of fixing rates. The railroads would still have the right to go to the courts, but it is possible they would be less likely to do so when rates were established by a legislature than when fixed by a commission. At any rate, a certain effect of this opinion will be a material modification of the Minnesota law, while railway commissions generally will see the necessity of a conservative course in fixing transportation charges, keeping in view the fact that their action is subject to judicial investigation.

A FRIENDLY RESPONSE. Following close upon the adoption by the foreign affairs committee of the house of representatives of the resolution looking toward negotiations for closer trade arrangements with Canada comes the announcement of a motion in the Ontario legislature expressing the opinion that closer relations should exist between the United States and the Dominion of Canada, and petitioning the Dominion legislature to take such steps as may be expedient to bring about unrestricted reciprocity between the countries. The fair inference from this would seem to be that instead of the proposed change in our tariff, which would unfavorably affect the agricultural interests of Canada, causing a feeling of unfriendliness and resentment there, the effect has been to stimulate the desire for more liberal commercial relations. The Canadian farmers could hardly fail to view with some alarm the prospect of having their market in this country materially reduced by the imposition of higher duties on the products they now send here in considerable quantities, and it will not be surprising if they are soon found to be very nearly unanimous in favor of reciprocity. The first suggestion that followed the announcement of an increase in the American tariff on farm products was that the Canadian producers would seek a European market for their surplus, but a little reflection would convince them that they could not reasonably hope for results as satisfactory as they get from trading in the United States. They get as good prices as our own farmers for their products and pay a great deal less for the manufactured goods they buy of the United States. There

are the strongest practical reasons why the agricultural producers of Canada should favor reciprocity.

The most careful observers of the trend of public opinion in Canada do not doubt that a change must come before long in the relations between that country and the United States. A correspondent of an eastern paper, writing recently from Ottawa, says that statesmen whose minds are not warped with that sentiment of loyalty which has forever been the curse of Canada's advancement, believe an alliance with the United States to be the most feasible solution of the question of placing the Dominion upon a less doubtful and more substantial foundation than the flimsy fabric by which she is now held, and maintains her connection with the mother country. The number of statesmen who believe this is as yet not very large, but with the Imperial federation scheme disposed of as a visionary and impracticable, the Canadian people must soon or late determine whether they will have national independence or enter into political relations with the United States, and the conditions certainly seem most favorable to a majority of them preferring the latter as the safer course. This, however, is a possibility only of the remote future. It must be preceded by a prolonged experiment with a more liberal commercial arrangement between the two countries, and there are indications that the attainment of this may not be far off, if our own people really desire it.

"BLESS YOU, MY CHILDREN." By one brief but expressive sweep of his mouth, Farmer Church Howe of the Missouri Pacific brushes away whatever doubt existed as to the justice and necessity of the Farmers' alliance. The notorious Nebraska county farmer not only endorses the aims of the organized producers, but declares he is with them "heart and soul." The cause of the alliance he has made his own, because every move made by this "noble organization" was an aid to him as a farmer. The people of Nebraska, especially the farmers, are so thoroughly acquainted with the lofty motives and the rich and varied vocabulary of Farmer Howe that they will at once recognize in his benediction of the alliance movement that consistent cunning which marks his cheeked career. It is indeed a matter of regret to the railroads that he is not a member of the organization. His experience as master of the state grange some years ago, and the sleepless zeal he displayed in digging its grave, gave him immediate prominence as an agriculturist and trebled his value as a political farmer. It was this profitable experience that enabled him to make an imposing appearance at the head of a brass band in Beatrice in 1883. Although the countless friends of the distinguished farmer then attempted to tear him away from his peaceful retreat and compel him to sacrifice his time and tastes for the country's good, the people graciously granted his request and kept him at home.

The alliance is to be congratulated on receiving the endorsement of the veteran Farmer Howe. That he is sincere in his approval, those unacquainted with his career will not deny. The fact that he outlives railroads on the side is not conclusive evidence of insincerity. On the contrary, it throws a volume of light on his efforts to diversify farming and secure a profitable crop regardless of seasons and prices. He acts as attorney for the Missouri Pacific merely to show his farmer friends that talent and tissue applied to farming invariably pay.

DESPITE the clouds on the business horizon, there are encouraging signs of a healthful condition of trade throughout the country. Bank clearances, which should be an index of the volume of business, exceed last year's corresponding totals. Railroad traffic and railroad earnings are larger than they have been for years. The volume of trade moving from the great jobbing centers is unprecedentedly large. Nevertheless, dissatisfaction exists east as well as west, caused by excessive transportation rates. The absence of speculation, however, is a hopeful sign, that the present condition has not been the result of inflation, but that within a few months the capital now being used in the development of trade and the expansion of commerce will clear the airways of obstructions.

THE CHEROKEES are not at all backward or backward in enforcing the Cherokee commission upon what terms they will treat with the government for the cession of the Cherokee strip. Not only is the government to pay a fair cash value for the land taken, but is to aid the Indians in expelling all non-citizens in the nation as well as to relinquish the right to locate friendly Indians on their territory. On such terms it is problematic whether the negotiations will proceed with much alacrity, if at all. The Cherokees are far from anxious to dispose of the Outlet, especially when they are receiving a vast revenue from the cattle barons for its use as pasture.

THE house committee on judiciary in agreeing upon the Torrey bankruptcy act has followed out the recommendations of the national board of trade, which includes leading merchants and manufacturers from different sections of the country. The provisions of the law are such as to insure uniformity in its application. The debtor is to be protected without imposing onerous burdens upon the creditor. Its spirit is that of equity. If passed the Torrey bankruptcy act will bring order out of the confusion arising from conflicting laws of the states and will be received with satisfaction by the commercial world.

A DECISION of interest to old soldiers has been rendered by Secretary Noble touching the question of assignability of the right to make a soldier's additional homestead entry. The secretary of the interior has concluded that a veteran has no such authority to use the privilege granted to him alone in barter, sale or assignment. This is good

law. There is little question that in many instances the privilege has been abused, and that which under the amended homestead act was intended by congress to be set aside for the good of the old soldiers has passed into hands not entitled to the benefit.

ACCORDING to the figures presented to the council, the south sides have not been as badly neglected as they are imagined. Last year the First and Second wards received more grading money than any two wards in the city, and more than the Fourth, Fifth, Sixth and Eighth wards combined. Three years ago something like forty thousand dollars was expended in opening and grading Eleventh street, which absorbed the greater part of the grading surplus for two years. The means available for this year's work should be used where it will do the greatest good for the greatest number, regardless of sectional demands.

THE annual statement of earnings of the American Bell telephone company, with headquarters at Boston, is of a character to alarm the country that the use of the hollow instrument is on the decline, or that the monopoly is in danger of a financial stricture. With a surplus of over two millions and an increase of earnings of two hundred and fifty thousand dollars over last year's business of nearly four millions of dollars, it is a ringing question whether telephone rentals should not be scaled down a pitch or two.

THE state law requiring contractors on public works to give security for the payment of the wages of employees is reasonable and just. The laborer is worthy of his hire and no reliable contractor can object to giving a guaranty that he will discharge his obligation to the workmen.

WHILE the council has cut down the appropriation for the current expenses of the city offices nearly fourteen thousand dollars from the estimates submitted by Mayor Cushing, no sensible man can deny that there are other branches in need of the pruning knife.

WITH a new gas company seeking a franchise and two hundred and sixty-two gas lamps discontinued, the spring tide does not present a cheering prospect for the parent concern. There are several leaks in the company's political pipe line.

IF THERE are any more enfeebled corporations desiring relief from public burdens, they should promptly file their application for relief while the city council is in a benevolent mood. There is room for a few more tax shirkers.

RAILROAD JOY over the Minnesota grange decision is as short-sighted as the policy the corporations propose toward their patrons.

A UNIQUE CASE. Give Mississippi due credit. A white man has been hanged for the murder of a negro. Probably no one hanging has ever had a greater moral effect.

HARDLY CONCEIVABLE. Now that the Iowa tax has invaded Washington it is probable that the proceedings of congress during the next few weeks will be even more inconspicuous than usual.

A DOUBLE PROBLEM. "Make the Missouri navigation," says the Omaha World-Herald. It is easier said than done. And when the Missouri is made navigable the other hard job to get people to navigate it.

A SIGNAL OF DISTRESS. Democrats are claiming with much vehemence that there is no danger of Tennessee going republican. Those whose familiar with the state of Tennessee recognize this as an infallible sign of distress.

SAME AND PRACTICAL. The total grain crop in Iowa is same and practical. It provides a way in which prohibition may be had wherever the people really want it, and a suitable license system where prohibition is not wanted and cannot be enforced. If the republicans are wise they will adopt this soon as possible.

THE NEGRO'S RIGHT OF SUFFRAGE. Senator Sherman frankly says that he has sometimes thought it would have been better if the ballot had not been given to the colored man. Certainly the result has not justified the proceeding, so far as any advantage to the freedman is concerned. But the right thus granted can never be taken away by the action of the government, and its nullification by state fraud and violence is one of the things that must somehow be stopped.

THE AFTERNOON TEA. A tiny walk. A little talk. Together.

A playful flirt. A wistful part. A merry miss. A stonish lass. You ask papa. Consult mamma. With pleasure. And both repeat. The rash report. An assurance.

"Maud," said the young man, with deep tenderness, "you have long possessed my heart. Do not refuse my hand." "The lovely girl gazed at him at his outstretched hand and in a low, tremulous, sad monotone that thrilled him to his heart's core she said, "I have loved a young man of that name for a long time."

An Ecce, Mother. "I'm afraid your husband is going to be ill. How did he look this morning at breakfast?" "You're right," said the mother, "I didn't see him. He was reading the paper." Her praise long he used to sing: "Now he is ill!" He wonders how he loved a thing Whose name is tilted.

love to that pretty little countess like a hippopotamus trying to court an angel."

Mrs. Hilgus (much interested): "He does, John, but how could he possibly expect to recall the days of our courtship, John?" It is impossible to convince a woman who arrives five minutes late at the station that the engineer did not see her coming and started off just out of spite.

STATE AND TERRITORY.

Nebraska Jottings. Ducks and geese are thick in Chase county. Tecumseh Methodists will enlarge and improve their church building.

Grand Island's cannery factory will remain idle the coming season. Two new alliances were organized in Burr county Tuesday, at Oakland and Lyons.

A Madison county farmer named Krueger has lost a horse by the name of a horse. The eighth annual fair of Sarpy county will be held at Paulsen September 1, 2 and 3. A number of horses in Box Bluffs county are reported to be suffering with the glanders.

A stock company is being organized to build and operate a creamery and cheese factory at Blanche, Chase county. The Falls City creamery employs thirty people, consumes the product of 1,000 cows, makes 2,000 pounds of butter daily and disburses over \$100,000 every year.

The new Methodist church six miles south of Nebraska City will be dedicated Sunday, with appropriate services conducted by Bishop Hordrecht of Kansas City.

George Nordbeck, a resident of Edgar and formerly business man of that place, has been badly mangled while coupling cars at Upland. He had recently entered the employ of the B. & M.

James Johnson of Oshawa has secured a verdict of \$17,725 against three saloon keepers for selling liquor to his minor son. The boy became intoxicated and a team ran away with him, causing the death of a child.

Four Covington criminals were taken to the state penitentiary by the sheriff of Dakota county Tuesday. They were George Jessman and James Langston, sentenced for four years for burglary; John Flanagan, eighteen months for robbery, and Ann Harris, a colored prostitute, three years for robbery.

Says the Edgar Times: A car load of good, competent girls, who thoroughly understand the duties of a well regulated household, would do good in many of our families at fair wages, and later on would find husbands among our most deserving young men. There are extra inducements in Edgar for the kind of people.

"Boddy" Cannon, formerly an inmate of the Kearney industrial school, has just received information to the effect that he has not been in for some time. He was killed by the death of his father in the east. Young Cannon was placed in the industrial school at the request of his parents, and some time ago was discharged. He has been out of employment for some time and almost out of money, but he takes his streak of good luck very calmly.

Pete Hayes, who runs a second-hand marriage bureau in Grand Island, is in trouble. He had a female candidate for matrimonial honors and a husband he failed utterly. This "villain" Pete, and he is said to have written some very abusive letters to his customers, who refused to accept the female candidate as their wife. In consequence they swore out a complaint against the matrimonial agent and he has been bound over to the district court.

THE Coast and Northwest. The wool crop of northern California will not be so large as in 1889.

While gambling is licensed in Montana gambling debts cannot be collected by law. The loss of cattle in eastern Washington does not exceed 25 per cent and of horses 10 per cent.

Montana stock raisers strongly object to Sweeney's tax bill, recently introduced in congress.

The Elgin Free Press says \$10,000 of Nevada money went to pay California hay raisers the past winter.

According to the Tuscarora (Neb.) Times the only live stock saved by the Indians last winter were dogs and greyhounds.

E. Weston, a cook near Salt Lake City, was attacked by two gamblers named Wheeler and Smith, who held him up and took his money and woman left American Hill, Sierra county, Cal., one day last week for Downsville to get married. They went on snow shoes and packed their wedding clothes in a grip sack.

The presidency of the United States is the highest gift in the power of the people, but the president has no power to make a single dollar out of thin air. He can appoint the postmaster at Mineral Point, Colo., 12,000 feet above the sea.

Thomas King, who was sentenced to hang at Boulder, Mont., March 27, has been pardoned by the governor to May 5. Governor Toole objected to hanging a man on black Friday and the pardon was granted for the execution occurs on Thursday.

But for the ravages of storms and the robbers a woman at Placer, Cal., would have made \$800 per acre on her orchard of two acres. But for the storms the volume would not have come down from the mountains and these two drawbacks do not often occur.

A cañero, driving a band of cattle to Sierra City last month, were overtaken by the great snow storm. They knew the locality as a fast state, but they were caught by striking a shaft twenty-five feet in depth through the snow and by that means secured food for their live stock.

The Oregon state republican convention will meet at Portland on Wednesday, April 16. There will be 215 delegates, and the officers to be nominated are congressmen, senator, superior judge, secretary of state, treasurer, superintendent of public instruction and state auditor.

Half or more of the farmers around Oakland, Mich., will not raise any grain, and many will be short with grain to put out their crops. The winter lasting so long, they have been compelled to feed their hay and corn to their stock, and should it break up at once it is said some will get less cattle.

John H. Kahn of San Francisco has sued Mrs. H. H. Brown for a well-known hotel for \$20,000 for the alienation of his wife's affection. The story goes back four years, and the complainant states that about August 12, 1886, he residing in San Francisco, a defendant enticed his wife away from her home and persuaded her to accompany him to San Diego, where she remained for some time, and he returned to San Francisco, where he is now residing, and she has since been known to him until November, 1887, for which he asks \$25,000. He further alleges criminal intimacy between the dates mentioned, for which he demands the additional damages.

A Journal reporter happened into the First National bank while some gentlemen were examining a hat in the property of T. H. Kleinschmidt, says the Helena Journal. It is a wonderful piece of work, consisting of hoarsest brass and iron combined. The trick has a history. It was made by Henry Edman, a convict in Deer Lodge, and in its manufacture 2 1/2 hours were used. They are not for sale but are usually made, but it is made of brass and iron from the heads of Indian convicts upon their entrance into the territorial service. It is one of the best pieces of plating ever produced in Montana and occupied two and one-half years of the convict's time. It was presented to Mr. Kleinschmidt and is highly prized.

ITALY LOOKS FOR WAR.

The Triple Alliance Endangered by the Italian Invasion of Bismarck. (Copyright by the United States.) Rome, March 26.—(New York Herald Cable)—Special to The Bee.—Italy is as much frightened at the retirement of Prince Bismarck as if the key stone had fallen out of the arch of peace which she had so long enjoyed. It is a wonderful piece of work, consisting of hoarsest brass and iron combined. The trick has a history. It was made by Henry Edman, a convict in Deer Lodge, and in its manufacture 2 1/2 hours were used. They are not for sale but are usually made, but it is made of brass and iron from the heads of Indian convicts upon their entrance into the territorial service. It is one of the best pieces of plating ever produced in Montana and occupied two and one-half years of the convict's time. It was presented to Mr. Kleinschmidt and is highly prized.

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A SUCCESSFUL GATHERING.

An Interesting Session of the State Teachers' Association.

A VERY LARGE ATTENDANCE.

School Ma'ams and Masters from All Over the State—The Display at Grant Memorial Hall—City Notes.

The Second Day. LINCOLN, Neb., March 26.—(Special to The Bee.)—The annual meeting of the State Teachers' Association is in full blast at the chapel of the state university, and the attendance is unusually large and intelligent.

School ma'ams and schoolmasters from the four parts of the state have come together to the number of nearly five hundred to discuss educational topics and exchange views on the various subjects of educational interest, and they have entered into the work that will make a successful and profitable meeting. The program of today was carried out as advertised to the letter, the participants in every instance handling the subjects assigned to them intelligently and in a manner that gave evidence of careful preparation.

Grant memorial hall is tastefully decorated and contains the exhibits of the several counties, towns, cities and counties that have sought to illustrate proficiency and interest in the diffusion of knowledge and general educational work. Conspicuous among these may be mentioned the fine display of the Lincoln Public School, the blind at Nebraska City, the deaf and dumb school at Omaha, the school for the feeble minded at Beatrice, the schools of Waverly, Hastings, Kearney, Lincoln, Ewing, Geneva, Pawnee, Morrone, Crete, Big Springs, Fairmont, Lyons, Gibbon, Sidney, DeWitt, and Waverly. Public Schools, drawings, specimens of penmanship, work in numbers, book keeping, diacritical marks, clay modelling, examination papers, paper folding, plain and ornamental sewing, landscape drawing, kindergarten work, map and industrial drawing and wood carving. Many of the exhibits, the exhibits of the blind, deaf and dumb and the feeble minded attract vastly the most attention, but this may be due to the fact that human sympathy awakens a keener interest than that of an average citizen. Work and furniture from the deaf and dumb institute at Omaha attracts the most genius, but this is possibly the exhibit furnished the most opportunity for such work.

At the call of order just after 10 o'clock this morning some minor committee work was disposed of in short order. Evidently the association desired to get down to the work of the program. Prof. D. E. Reese of Ponca gave the initial paper and exercise on "The Teacher of Today." A practical discussion followed it, led by Julius Conklin of Lincoln.

The election of officers followed and the work of the forenoon closed. H. B. Hughes of Schuyler was elected president, W. H. Simeon of Grand Island, secretary, Miss Eva J. King of Red Cloud, secretary. This afternoon the work was divided into three sections. The first section was held promptly at 1:30 o'clock. Prof. Wightman of the Wesleyan university presented a very scholarly paper on the subject of "Latin and Greek in the Public Schools." Prof. W. H. Simeon of Grand Island presented a paper on "The Teacher of Today." A practical discussion followed it, led by Julius Conklin of Lincoln.

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